

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 6:12-cr-00427-AA

Plaintiff,

**STIPULATION AND ORDER
VACATING AND SETTING ASIDE
SENTENCE PURSUANT TO 28
U.S.C. § 2255**

v.

KARL DAVID BOWMAN,

Defendant.

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255. Based on the Supreme Court's decisions in *Johnson v. United States*, 135 S. Ct. 2551 (2015) and *Welch v. United States*, 136 S. Ct. 1257 (2016), the parties agree to resolve this matter, without precedential value in any other case, as follows:

The parties agree that the sentence in this case should be vacated and set aside and that a hearing be set for resentencing on March 6, 2017 at 10:00 a.m. The parties further

agree that defendant shall remain detained in the custody of the Bureau of Prisons pending resentencing.

The defendant has consulted with counsel and understands that the government may assert it is no longer bound by any terms of the parties' plea agreement as a result of the defendant's collateral attack of his sentence.

The defendant further understands that state and local authorities may assert they are no longer bound by a prior agreement not to pursue charges that was based on defendant's plea agreement in this case.

Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that the sentence imposed on July 31, 2013, is hereby vacated and set aside.

IT IS FURTHER ORDERED that the United States Bureau of Prisons and the United States Marshals Service produce the defendant to the Court for resentencing on March 6, 2017.

IT IS FURTHER ORDERED that the defendant shall remain detained in the custody of the Bureau of Prisons pending resentencing.

Dated this 4 day of October, 2016.



Honorable Ann Aiken
United States District Court Judge